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May 16, 2011

**VIA CM/ECF & FedEx**

Hon. Madeline Cox Arleo, U.S.M.J.  
United States District Court  
District of New Jersey  
M.L. King, Jr. Federal Building & Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: BanxCorp v. Bankrate, Inc.**  
**Civil Action No. 07-3398 (SDW)**

Dear Judge Arleo:

This firm represents defendant Bankrate, Inc. in the referenced matter. Under the Pretrial Scheduling Order entered by Your Honor on October 8, 2011, discovery is scheduled to conclude on June 1, 2011. The parties are finishing paper discovery, although a deposition of Norbert Mehl, CEO of plaintiff BanxCorp, regarding BanxCorp's compliance with its discovery obligations has been scheduled for May 26, 2011. No depositions have been taken. A motion to dismiss the Fourth Amended Complaint is pending before Judge Wigenton. In light of the status of other components of the case, we are respectfully requesting a short extension of certain deadlines set forth in the Pretrial Scheduling Order. A form of order extending discovery deadlines by 90 days is enclosed.

We sought the consent of Plaintiff to this application, but Plaintiff has not consented.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. Scott Thompson".

R. Scott Thompson

Enclosure

cc: Mordechai Lipkis, Esq. (via ECF and email) (w/enc.)  
Michael J. Hahn, Esq. (w/enc.)  
Eric Jesse, Esq. (w/enc.)

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Document Electronically Filed

Civil Action No. 07-3398

**ORDER EXTENDING  
DISCOVERY SCHEDULE**

The above matter having been opened to the Court by Lowenstein Sandler, PC, attorneys for Defendant Bankrate, Inc. ("Bankrate"), upon application for an Order extending the period for discovery in this case, and for good cause shown,

It is on this \_\_\_\_ day of May, 2011,

**ORDERED** that the Pretrial Scheduling Order entered in this case on October 8, 2010 is amended as follows:

Paragraph 1: Discovery is to remain open until **August 31, 2011**;

Paragraph 7: Affirmative expert reports shall be delivered by **September 30, 2011**, with depositions of those experts to be taken and completed **within twenty (20) days of receipt of report**.

Paragraph 8: All responding reports shall be delivered by **October 15, 2011**, with depositions of those experts to be taken and completed **within twenty (20) days of receipt of report**.

**IT IS FURTHER ORDERED** that all remaining provisions of the October 8, 2010 Pretrial Scheduling Order, including all other portions of Paragraphs 1, 7 and 8, shall remain unchanged and in full force and effect.

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Hon. Madeline Cox Arleo, U.S.M.J.